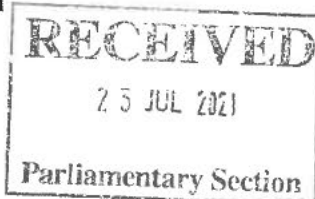


Commonwealth Kava Pilot – Phase 2: Allowing the commercial import of Kava Update			20 July 2021
Item	Topic	Due	Complete
1	Amendments to Customs (Prohibited Imports) Regulations 1956		
	Letter from the Minister to Assistant Minister Jason Wood requesting work to commence on amendments to allow the import of kava as a food is currently with the MO		
	Input has been provided from Reform Co-ordination and Support on the revised RIS and being incorporated in the draft.		
2	Consultations		
	We are also currently seeking consent from all jurisdictions to share their individual submissions to the consultation papers with the other jurisdictions. s 47E(d)	23 July 2021	
	ODC is following up with PM&C who agreed to provide specific contacts in each jurisdiction. ODC aims to conduct individual jurisdiction meetings with these contacts in the coming weeks. <ul style="list-style-type: none"> Waiting on PM&C to complete liaising State Chief Minister's/Premiers Offices to nominate state contact officers – set due date not known When contact officer's names are known ODC aims to conduct individual jurisdiction meetings with these contacts in the coming weeks. 	23 July 2021 30 July 2021	
3	Monitoring and Evaluation Reference Group		
	ODC attended the first Kava Monitoring and Evaluation Reference Group meeting on the 12/7. The meeting was very informative and the monitoring component of the kava pilot should provide a comprehensive illustration on the impact of kava use on indigenous and diaspora communities in Australia. s 47E(d)		12 July 2021
	Ninti One Limited have requested comments on the first draft evaluation plan	30 July 2021	
	Project timelines will depend on Ethics approvals and wet seasons		
	This group is due to report six monthly next report due	29 October 2021	
	Next meeting due	16 August 2021	
4	Summary of Meetings		
	Kava Monitoring and Evaluation Reference Group		12 July 2021
	Kava Monitoring and Evaluation Reference Group	16 August 2021	
	Meetings with Jurisdictions on pilot designs and commencement discussions – state contacts not known yet	Nominally due mid August 2021	



Australian Government
Department of Health

Ministerial Submission – Standard
MS21-000780
Version (1)
Date sent to MO: 09/07/21




To: Minister Hunt

Subject: Proposed amendments to the Customs (Prohibited Imports) Regulations 1956 for the commercial import of kava as a food

Critical date: 27 July 2021 - To enable the changes to the regulations to be implemented by the end of 2021.

Recommendation/s:

<p>1. Endorse the proposed regulation amendments to the Customs (Prohibited Imports) Regulations 1956 (Attachment A).</p> <p>2. Sign the letter to the Hon Jason Wood MP, in his capacity as the Assistant Minister for Customs, Community Safety and Multicultural Affairs seeking his agreement to the proposed amendments. (Attachment B)</p>	<p>1. Endorsed/Not Endorsed</p> <p>2. Signed/Not signed/Please discuss</p>
--	--

Signature:  Date: 16/7/2021

Media Release required? YES / NO

Comments:

Contact Officer:	Avi Rebera	Assistant Secretary, Regulatory Services and Drug Control Branch, Regulatory Practice and Support Division	Ph: (02) 6289 ^{s22}
Clearance Officer:	Tracey Duffy	A/g Deputy Secretary, Health Products Regulation Group	Ph: (02) 6289 ^{s22}

THIS DOCUMENT HAS BEEN RELEASED UNDER THE FREEDOM OF INFORMATION ACT 1982 BY THE DEPARTMENT OF HEALTH

Issues:

1. Amendments to the Customs (Prohibited Imports) Regulations 1956 (Regulations) are required to allow for the commercial import of kava as a food to give effect to the Prime Minister's 2019 announcement regarding a pilot program to conduct a commercial importation pilot.
2. It is proposed that an amendment be made to the Regulations to allow for an import permission to be granted to commercial importers of kava, where the kava meets the Food Standards Code 2.6.3, and to allow for conditions of import to be applied. Following consultation with the Department of Home Affairs the key elements of the proposed permission for the commercial importation of kava are provided in **Attachment A**.
3. To amend the Regulations, a formal request must be made to the Assistant Minister for Customs, Community Safety and Multicultural Affairs, the Hon Jason Wood MP, as Minister administering the *Customs Act 1901*. A letter is at **Attachment B** for your signature.

Background:

On 11 October 2019, the Prime Minister announced that the Australian Government was stepping up its commitment to the Pacific by launching a pilot program to relax the import of kava.

Phase 1 of the pilot program was implemented on 17 December 2019, via a notice issued under subregulation 5(3) of the Regulations, which increased personal traveller import limit from 2 kg to 4 kg of kava (MS19-001473). Phase 2, the commercial import of kava as a food, is to be implemented by the end of 2021.

The Department of Health will continue to work with the Department of Home Affairs on the drafting of amendments to the Regulations.

Attachments:

- A:** Proposed Amendments to the Customs (Prohibited Imports) Regulations 1956.
B: Letter to the Hon Jason Wood MP, Assistant Minister for Customs, Community Safety and Multicultural Affairs.

Consultations:

The Department of Home Affairs advised the Department on the proposed amendments to the regulations.

Regulatory Burden Implications

A Regulatory Impact Statement (RIS) is currently being drafted with input from other agencies. The Department of Home Affairs has advised that a completed RIS is not required to commence preparation of the proposed regulatory amendments.

Proposed Amendments to the Customs (Prohibited Imports) Regulations 1956 for the commercial import of kava as a food.

The intention of the proposed amendments is to give effect to the Prime Minister's October 2019 announcement to launch a pilot for the commercial importation of kava.

s 47E(d), s 47C



THIS DOCUMENT HAS BEEN RELEASED UNDER
THE FREEDOM OF INFORMATION ACT 1982
BY THE DEPARTMENT OF HEALTH



The Hon Greg Hunt MP
Minister for Health and Aged Care

Ref No: MS21-000780

The Hon Jason Wood MP
Assistant Minister for Customs, Community Safety and Multicultural Affairs
Parliament House
CANBERRA ACT 2600

23 JUL 2021

Dear Assistant Minister

I write to you in your capacity as the Assistant Minister administering the *Customs Act 1901*, to request amendments to the Customs (Prohibited Imports) Regulations 1956 (Regulations).

The Prime Minister, the Hon Scott Morrison MP, announced, on 11 October 2019, a pilot program to ease the restrictions on the importation of kava. Phase one of the pilot was an increase to the traveller import limit of kava from 2kg to 4kg, which you approved under sub-regulation 5(3) of the Regulations on 13 December 2019.

The second phase of the pilot program is a pilot commercial importation scheme. To facilitate this, I seek your agreement to amend the control of kava in the Regulations to allow for import permissions to be granted to commercial importers of kava (within the meaning in the Food Standards Code) while maintaining existing controls on kava as a drug, and the current passenger exemption.

s 47E(d), s 47C

THIS DOCUMENT HAS BEEN RELEASED UNDER
THE FREEDOM OF INFORMATION ACT 1982
BY THE DEPARTMENT OF HEALTH

I note that like regulation 5 of the Regulations, the Secretary of my Department, Dr Brendan Murphy, should be the decision maker under the framework.

Officials from my Department will continue to work closely with officials from the Department of Home Affairs on the required amendments, and other aspects of the pilot.

Yours sincerely,

s 22

COPY

Greg Hunt

KAVA PILOT: ECONOMIC BENEFIT TO VANUATU AND FIJI

2 JUNE 2021

Questions from MIDPO to support the launch of the kava pilot:

1. *What is the size of the agricultural sector in Fiji and Vanuatu (% GDP, jobs, export value)?*
2. *What is the potential benefit of the kava pilot to these countries? We understand this might be difficult, and we're not requesting any detailed modelling. But if you can find any credible information on the export value, jobs created etc it would be interesting to note them.*

Key statistics

Table 1: Fiji and Vanuatu agricultural sector, 2019

	Fiji	Vanuatu
Agricultural sector (% of GDP) ⁱ	12%	26%
Agricultural employment (% of total employment) ⁱⁱ	18%	57%
Value of agricultural exports (AUD) ⁱⁱⁱ	\$700 million	\$170 million

Table 2: Fiji and Vanuatu kava production and exports, 2016

	Fiji	Vanuatu
Total yield for consumption (tonnes)	1,500	5,500
Total yield for exports (tonnes)	250	1,500
Per tonne value of exports (AUD, thousands)	\$51 - 95	\$51 - 77
Total value of exports (AUD, thousands)	\$12,700 – 23,000	\$77,700 – 116,500
Households involved in kava cultivation (no.) ^{iv}	21,000	30,000

Table 3: Australian kava imports, 2000-2006

	2000	2001	2002	2003	2004	2005	2006	Average
Tonnes	47.4	68.2	80.1	67.3	58.7	81.3	73.2	68.0
AUD	535,000	666,000	795,000	585,000	682,000	979,000	1,159,000	770,000

s 33

Background

The closure of the Australian market in 2007, primarily due to health concerns, s 33

Prime Minister Morrison announced in 2019 that Australia would ease restrictions on kava imports through:

- increasing the personal import allowance from 2kg to 4kg in December 2019; and
- undertaking a pilot study for the commercial import of kava in 2020.

The Prime Minister's announcement was well received in both Fiji and Vanuatu, particularly as the increase in the personal import allowance for kava was introduced shortly afterwards. s 33

Prior to the commercial import prohibition on kava (mid-2007), average kava imports to Australia were 68 tonnes per annum. This did not include individual kava imports through personal baggage. A return to the pre-prohibition average, would reflect a 4 per cent increase in Pacific kava exports or an additional AUD 770,000 in export value.

The Pacific, particularly Fiji and Vanuatu, expect the commencement of commercial kava exports to Australia to result in significant domestic economic gains. As a commercial kava market has been absent in Australia for the last 15 years, it will likely take several years for the market to return to pre-prohibition levels. However, the size of the Pacific community in Australia has grown substantially since 2007 and in comparable markets (US and New Zealand) kava demand has increased. Once supply chain and logistics have been re-established, there will be opportunity for kava exporters to increase the scale of operations.

Contact: Economic Growth Section s 47F

ⁱ [World Development Indicators](#) (2019)

ⁱⁱ [International Labour Organisation](#) (2019)

ⁱⁱⁱ [Observatory of Economic Complexity](#) (2019)

^{iv} [Pacific Horticultural & Agricultural Market Access Program](#) (2016)

To: Minister Hunt

Subject: Kava importation s 47F)

Response:

- The implementation of the kava pilot program trialling its commercial importation for non-therapeutic use is not on hold. On 15 June 2020, the Prime Minister announced that implementation would be delayed as a result of the COVID-19 pandemic; with the commercial importation trial to be implemented by the end of 2021.
- The pilot will allow commercial entities to import kava (under permit), which could then be sold within Australia (in line with domestic legislation). The pilot will also have an integral monitoring and evaluation component.
- This will require an amendment to the *Customs (Prohibited Imports) Regulations 1956* which currently state that the importation of kava is prohibited and can only be imported into Australia under a permit for medical and/or scientific purposes, or as accompanied baggage by passengers arriving in Australia (maximum 4 kilograms).
- The Department of Health, in consultation with relevant Commonwealth agencies, as well as with the states and territories, is currently progressing this second phase of the kava pilot program (the commercial importation). This includes planning for and designing the commercial importation scheme, as well as evaluation and monitoring. Officials from the Department of Foreign Affairs and Trade are also liaising with relevant Pacific Island nations on the pilot and the revised implementation timeframe.
- The correspondence of 5 February 2020 from the s 47F raises concerns that travel restrictions due to COVID-19 are preventing Pacific Islander communities in Australia from accessing kava and asks whether any interim measures are being considered to address this issue.
 - There are no plans to allow the importation of kava via mail or other interim options to increase access.
 - The sale of kava is banned in three states/territories and most other states and territories have indicated they have serious concerns about the wide scale importation of kava.
- At the conclusion of the pilot, the Department will prepare a report to Government on its success (or otherwise), including any recommendations for an ongoing scheme including any recommendations to change to other policy settings in relation to kava (such as allowing broader importation).

Cover Page for Ministers' Offices

Minister	Minister Hunt
PDR Number	MB21-000344
Subject	MIR: Kava importation (s 47F)
Due Date	10 February 2021
Quality Assurance Check (completed by line area)	s 22
Contact Officer	s 22
Clearance Officer	Adj Prof John Skerritt (02) 6289 s 22 s 22
Division/Branch	Regulatory Practice and Support

Adviser/DLO Comments:

Return to
Dept for:

Redraft

THIS DOCUMENT HAS BEEN RELEASED UNDER
THE FREEDOM OF INFORMATION ACT 1982
BY THE DEPARTMENT OF HEALTH

To: Minister Hunt

Subject: Kava Pilot Program § 47F [REDACTED]

Response:

- § 47F [REDACTED] has previously contacted your office on behalf of this constituent (§ 47F [REDACTED]), § 22 [REDACTED].
- The Department of Health has been progressing a pilot program to ease restrictions on the commercial importation of kava for implementation by the end of 2021.
- To implement the Prime Minister's announcement for a pilot on the commercial import of kava as a food, it is proposed to create a new regulation under the *Customs (Prohibited Imports) Regulations 1956* to allow for commercial importers to apply for import permission. The Department has been working with the Department of Home Affairs on the proposal which is the subject of a separate submission provided to your office on 9 July 2021 for your consideration (MS21-000780).
- The Department has selected the National Drug and Alcohol Research Centre together with Ninti One to undertake an evaluation of the pilot program which will include monitoring the impact of kava on the community, and reporting back on the pilot at its conclusion.
- The Department is also working with the Departments of Foreign Affairs, Agriculture, Water and the Environment, and the Prime Minister and Cabinet on the Regulatory Impact Statement required for the implementation of the pilot.
- Individual state and territory jurisdictions are responsible for the domestic supply of kava, and the Department is continuing to work closely with the jurisdictions, including through a range of bilateral meetings.
- As information about the pilot program becomes available, it will be published on the Office of Drug Control's website at www.odc.gov.au/consultation-kava-pilot-phase-2-allowing-commercial-importation-kava.

Cover Page for Ministers' Offices

Minister	Minister Hunt
PDR Number	MB21-002551
Subject	MIR: Kava Pilot Program (^{s 47F} [REDACTED])
Due Date	15 July 2021
Quality Assurance Check (completed by line area)	^{s 22} [REDACTED]
Contact Officer	Avi Rebera (02) 6289 ^{s 22} [REDACTED] ^{s 22} [REDACTED]
Clearance Officer	Tracey Duffy (02) 6289 ^{s 22} [REDACTED] ^{s 22} [REDACTED]
Division/Branch	Health Products Regulation Regulatory Practice & Support

Adviser/DLO Comments:

Return to
Dept for:

Redraft

THIS DOCUMENT HAS BEEN RELEASED UNDER
THE FREEDOM OF INFORMATION ACT 1982
BY THE DEPARTMENT OF HEALTH

KAVA REFORMS

RESPONSE:

The Australian Government is committed to launching a kava pilot program in 2021 that trials the commercial importation of kava for non-therapeutic use.

KEY INFORMATION:

The Department of Health is working with the Department of Foreign Affairs and Trade (DFAT) to design a commercial importation model for non-therapeutic kava, and this will be implemented as a pilot by the end of 2021 in order to allow the monitoring and evaluation of its effects on the Australian community.

In the 2020-21 Budget, the Australian Government announced an investment of \$1.9 million from 2020-21 to 2023-24 for the pilot scheme. The majority of this funding will support a robust evaluation and monitoring framework that can track the impact that an expanded kava importation scheme will have on the Australian community.

Community consultation was conducted in 2020. An amendment to import regulations will be made to allow for the commercial importation pilot to be implemented by the end of 2021, with the pilot to conclude at the end of 2023. An evaluation report to be produced at the end of the pilot, will provide input into future regulatory changes regarding kava importation into Australia.

Commercially imported kava will need to comply with the Australian New Zealand Food Standards Code 2.6.3 – Kava, biosecurity requirements and imports will be monitored under Customs Regulations.

BACKGROUND / ISSUE:

Actions to Date

The Office of Drug Control has been liaising with the DFAT, Prime Minister and Cabinet, Home Affairs, Agriculture and Water, the National Indigenous Australians Agency, and other Commonwealth agencies, as well as states and territories, to design the pilot.

Activity	Date	Status
Public consultation on increase to personal traveller import of kava from 2kg to 4kg	March 2019	Completed
Import instrument registered to increase personal traveller import of kava from 2kg to 4kg	December 2019	Completed
Public consultation for commercial import of kava	March 2020 – November 2020	Completed
Engagement of service provider to monitor and evaluate the impact of the pilot (NDARC selected)	April 2021	Completed
Amendments to <i>Customs (Prohibited Imports) Regulations 1956</i> to allow commercial imports of kava	Before end-2021	Under way. RIS in progress

Following the Prime Minister's January 2019 announcement to increase the personal traveller import limit of kava from 2kg to 4kg, the Prime Minister announced in October 2019 that the Australian Government is stepping up its commitment to the Pacific by launching a kava pilot program. Phase One of the pilot program, an increase in the amount of kava per incoming passenger from two to four kilograms, was implemented on 17 December 2019. This will see the relaxation of the kava-related prohibited import regulations.

Due to COVID-19, the implementation of the kava pilot has been moved to the end of 2021 to both allow necessary consultation and engagement to occur across states and territories, and to ensure that states and territories have the capacity to consider the consequences of the proposed changes.

The purpose of the pilot program is to ease the restrictions on the importation of kava into Australia for both personal use and commercial purposes. Kava has long been, and continues to be, socially and culturally important to Pacific Islander communities, including in Australia. These initiatives recognise the significant place of kava in the culture of Pacific Island communities in Australia, and acknowledge the importance of kava as an export for Pacific island economies.

THIS DOCUMENT HAS BEEN RELEASED UNDER
THE FREEDOM OF INFORMATION ACT 1982
BY THE DEPARTMENT OF HEALTH

Division:	Regulatory Practice and Support
Cleared by:	Gillian Mitchell
Contact Officer:	George Masri
Phone:	(02) 6289 522
Date:	19 May 2021

- **General background on the governments Pacific “Step-up”, including the geopolitical motivations for undertaking the kava pilot.**

The Pacific Step-up is a key foreign policy priority. The Step-up recognises that more ambitious engagement by Australia, including helping to integrate Pacific countries into the Australian and New Zealand economies and our security institutions, is essential to the long-term stability and economic prospects of the Pacific. It is supported by \$1.44 billion in development assistance to the Pacific in 2020-21, demonstrating Australia’s support to the sovereignty, stability, security and prosperity of our region.

The ban of commercial importation of kava to Australia since 2007 has ^{s 33}

During his visit to Vanuatu in January 2019, the Prime Minister announced that Australia would develop a kava pilot program, as part of the Pacific Step-up. to ease import restrictions on kava. The Prime Minister also announced:

- doubling the amount of kava that can be imported for personal use from 2kg to 4kg by the end of 2019, with the exception of Western Australia and Northern Territory (implemented on 17 December 2019)
- commencing a commercial model for kava imports by the end of 2020 (deferred to 2021 due to the impact of COVID-19)
- an evaluation of the pilot at the end of 2022 (deferred to 2023 due to the impact of COVID).

These changes recognise the cultural importance of kava to family and social life in Pacific communities (including in Australia). Furthermore, it acknowledges the importance of kava to the livelihoods of Pacific farmers and its importance as an export commodity.

- **Economic impacts for the Pacific resulting from the opening up of Australia’s kava market**

A key focus of the Australian government’s Pacific Step-up is supporting economic development, and recovery from the impacts of COVID-19. Given the importance of kava as an agricultural commodity for export for Pacific Island Countries, any increase in market opportunity provided by the Kava Pilot will assist with economic recovery.

Fiji and Vanuatu are the two main kava growing countries. Exports are largely to other Pacific Island Countries, as well as to New Caledonia, New Zealand, and the United States (where there are large Pacific Island communities). While this is primarily for consumption of kava as a beverage, kava is also used in some pharmaceuticals, given its relaxing effects.

Kava accounts for 60 percent of Vanuatu’s commodity exports (it is Vanuatu’s third largest export commodity), generating an estimated VUV807 million (AUD 10 million) in annual export earnings, and providing income to over 30,000 households across many of the country’s islands.

Over 21,000 farms in Fiji grow kava worth an estimated FJD66 million (AUD42 million) per year. Fiji exports kava to markets including other Pacific Island Countries, New Zealand, the United States, the European Union and some Asian nations.

Estimating the value of Australia’s market for kava exports is hard to determine due to exports being banned in 2007. There are, however, factors that point towards growth in the potential size of the Australian kava market since 2007. These include:

- Increase in the size of Pacific communities in Australia
- Increase in the number of seasonal workers from the Pacific, through Australia’s labour mobility program—currently at the highest levels ever in Australia at any one time
- Development of kava markets in New Zealand and USA
- Industry development in kava producing countries, which has led to an increased ability to meet quality standards.

The Department of Foreign Affairs and Trade has engaged PHAMA (Pacific Horticulture and Market Access Program), to monitor and evaluate the impacts of the kava pilot in the Pacific. This work will support the domestic focused monitoring and evaluation led by the Department of Health.

- **History of Australian kava imports (we have data for past commercial imports for the period 2000-2007)**

Import data on kava is available for the years prior to the commercial import prohibition, which came into effect in mid-2007. Data for kava bought into as personal baggage is not available as this information is not recorded by the Australian Border Force. The below table provides import data for the 2002-2007 calendar years.

	2000	2001	2002	2003	2004	2005	2006	2007
Tonnes	47.4	68.2	80.1	67.3	58.7	81.3	73.2	18.3
AUD	535,000	666,000	795,000	585,000	682,000	979,000	1,159,000	436,000

- **Benefits to diaspora**

Kava has become increasingly scarce in Australia throughout 2020 and 2021 due to COVID 19 and the associated travel and border restrictions. The shortage of supply has driven up the cost of kava significantly. This has had an impact on diaspora cultural engagement and important ceremonies like births, funerals and weddings where kava is an important traditional component.

Commencing phase 2 of the Kava Pilot will mean Pacific communities in Australia will have better access to kava through commercial imports, relieving any financial burden caused by prices inflated by COVID-19 restrictions.

Pacific workers residing in Australia under the Government’s labour mobility schemes (the Seasonal Worker Programme and the Pacific Labour Scheme) will also benefit from having their traditional beverage available to them. All Australian industry stakeholders engaged in Australia’s Pacific labour mobility initiatives have nominated kava access as a concern as their anecdotal reports indicate a rise in alcohol use by Pacific workers in the absence of access to kava. Industry stakeholders have raised welfare concerns in this respect and are keen to see better access to kava as a critical support measure for the Pacific workers they employ.

Kava Bibliography

Australian Government. *Kava Pilot Phase 2: Allowing the commercial importation of kava*. Office of Drug Control, Department of Health. 23 March 2020.

<https://www.odc.gov.au/sites/default/files/consultation-kava-pilot-phase-2-allowing-commercial-importation-kava.pdf>.

- The consultation paper that went out to stakeholders in 2020. It contains information about what kava is, the current import regulations, other relevant state regulations, and what the second phase of the kava pilot hopes to do.

Official: Summary of Submissions to the consultation paper on Kava Pilot Phase 2: allowing the commercial importation of kava. Office of Drugs Consultation Paper. 23 March 2020 – 31 March 2020. [D20-3363531](#)

- Summary of the submission made to the consultation papers last year. Stakeholders supported option 2 (commercial importation) but this consultation was held in the middle of the Covid-19 pandemic and it could have been difficult for stakeholders to fully invest in the consultation process.

Australian Government. *Summary of State and Territories submission regarding Kava Pilot Phase 2: allowing the commercial importation of kava*. Office of Drug Control, Department of Health.

- Most states support option 2 (commercial importation) but they believe there should be stronger regulations and controls. A table of comments is included in this document.

Australian Government. *Overview of state and territory kava regulations 2020*. [D20-3554423](#)

- Table with an overview of state and territory legislation on kava.

Alcohol and Drug Foundation. 'Kava'. Published 4 June 2021. <https://adf.org.au/drug-facts/kava/>.

- Gives an overview about Kava, some background history, the effects, how it is used and consumed, withdrawals and how to get help.

The Office of Drug Control. 'Import restrictions: Kava and Khat'. Australian Department of Health, Published 7 October 2020. <https://www.odc.gov.au/import-restrictions-kava-and-khat>.

- Current import restriction on kava.

Fu, Peter P., Qingsu Xia, Lei Guo, Hongtao Yu, and Po-Chuen Chan. 'Toxicity of Kava Kava', *Journal of Environmental Science Health. Part C Environmental Carcinogenesis & Ecotoxicology Review*, vol. 26 no. 1 (2008): 89 – 112. doi: 10.1080/10590500801907407.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5868963/#:~:text=The%20U.S.%20FDA%20stated%20in,Four%20patients%20required%20liver%20transplants.>

- How kava is used around the world, mainly US and UK. Goes into depth about the chemical composition, hepatotoxicity and toxicology of kava. This paper analyses the strains that make up the kava plant and what this means for when it is absorbed and metabolised into the bloodstream. It provides human data and case studies that link kava to long-term side effects such as liver damage; however, the results are not definitive enough to confirm the side effects of kava consumption. Generally, the side effects that result from low levels of exposure can be reversed.

Australian Government. 'Strengthening Australia's Pacific relationships — Pacific Step-up policy and COVID-19 partnerships recovery'. Parliament of Australia Website. Published 3 September 2020.

[https://www.aph.gov.au/About Parliament/House of Representatives/About the House News/Media Releases/Strengthening Australias Pacific relationships.](https://www.aph.gov.au/About%20Parliament/House%20of%20Representatives/About%20the%20House%20News/Media%20Releases/Strengthening%20Australia's%20Pacific%20relationships.)

- Media release about the Step-up partnership between Australia and the Pacific Islands.

Fox, Liam. 'Why Australia is turning to psychoactive drink kava to make friends in the Pacific'. *ABC News*. 17 October 2019. <https://www.abc.net.au/news/2019-10-17/kava-imports-pacific-fiji-australia-explainer/11607384>.

- Media's perspective on what is happening with the commercial import of Kava and why the government has decided now to finally step in (China's influence). This includes a basic overview of kava as a commodity in Vanuatu and other Pacific Island nations as well as the impact it has had on Indigenous communities.

Urquhart, Belinda, and Neil Thomas. 'Review of the misuse of kava among Indigenous Australians'. *Australian Indigenous Health Bulletin*, vol.9 no. 3 (2009): 1 – 14.

<http://healthbulletin.org.au/articles/review-of-the-misuse-of-kava-among-indigenous-people/>.

- The review has pulled together previous studies and summarised how kava is used in indigenous Australian communities, the history behind kava use and introduction in Australia, the impact it has had on health and wellbeing – including the ineffective legislative changes (Federal and State), and the implications of kava consumption in Australia and its future regulation. Its main focus is the history and effects of kava in Indigenous communities. It found that while there are known risks to the consumption of kava, there is not extensive research to prove the validity or extent of these effects. This review suggests that in order to reduce kava misuse, there first should be changes to the disadvantages experienced by Indigenous Australians which have led to drug, alcohol and kava misuse/abuse.

Cain, Dr Tess Newton, James Cox and Dr Geir Henning Presterudstuen. *Pacific Perspectives on the World*. Western Sydney University: Whitlam Institute, 2020, <https://www.whitlam.org/publications/2020/2/13/pacific-perspectives-on-the-world>.

- This research was conducted in Fiji, Solomon Islands and Vanuatu. The paper gives context to each nation's history and some insight into its economy and political environment. It outlines the relationship between the Pacific Islands and the rest of the world, mainly Australia. It was found that if Australia wants to develop a deeper relationship with the Pacific Islands they need to invest more into accepting the Pacific Islands' culture and norms, as well as making it easier for them to have access to Australia. More needs to be done on the Australian side to develop a respectful, sustainable and mutually beneficial relationship that isn't based purely on economy or strategy (i.e. only cause China is moving in).

Clough, Alan. 'Health effects of heavy kava use in Indigenous Australians'. PhD Thesis. Menzie School of Health Research, August 2003.

https://ris.cdu.edu.au/ws/portalfiles/portal/22708322/Thesis_CDU_6414_Clough_A.pdf.

- This thesis provides a more thorough insight into the health effects associated with kava. The cross-sectional study was conducted in eastern Arnhem Land in 2000. It found no 'convincing evidence' that kava use is associated with serious irreversible health effects. This thesis goes into depth about kava's health effects and can assist policymakers to gauge the health, social and economic effects of regulatory efforts. It found that kava should be banned in Arnhem Land communities and ongoing monitoring is necessary to determine if there are irreversible health effects.

Australian Government. 'Kava fact sheet'. Therapeutic Goods Administration (TGA), Department of Health. Published 22 April 2005. <https://www.tga.gov.au/publication/kava-fact-sheet>.

- History of kava in the early 2000s. Gives a good overview of some of the early work the TGA did with kava and why it is now restricted.

Butt, Julia. 'Review of kava use among Aboriginal and Torres Strait Islander people'. *Australian Indigenous Health Bulletin*, vol. 19 no.2 (2019): 1 – 21. <http://healthbulletin.org.au/wp-content/uploads/2019/04/kava-bulletin-web.pdf>.

- This review provides a comprehensive synthesis of key information on the use of kava among Aboriginal people in Australia. It summarises how kava is used traditionally, its immediate effects, its chemistry, and research into the effects of kava on health. The paper will then review the use of kava in Australia; the history of its introduction to Aboriginal people and the impacts of kava on the health and wellbeing of Aboriginal Australians. This discussion is focused on the use of kava in Arnhem Land (Northern Territory) communities. The review critically discusses the regulation of kava in Australia, including the impacts these regulations have had on Aboriginal communities. The paper reviews strategies to reduce kava related harms and concludes by discussing possible future directions for research and action for minimising further harm.

Butt, Dr Julia and Millie Harford-Mills. 'Kava in Australia'. Recorded Webinar, 25 June 2019, *Australian Indigenous HealthInfoNet* on YouTube video, 53:07. <https://www.youtube.com/watch?v=E90v3zEczpU>.

- Webinar by Dr Julia Butt which touches base on everything kava related; what it is, how it's used, health effects, kava issue in Australia and among Indigenous communities, supply, policy and regulation and the future of kava.
- Julia.butt@curtin.edu.au – National Drug Research Institute at Curtin University (WA)

Fox, Liam. 'Australian Pacific Islanders struggle to find kava amid international border closures'. *ABC News*. 17 October 2020. <https://www.abc.net.au/news/2020-10-17/kava-shortage-in-australia-for-pacific-islanders-border-closure/12776282>.

- Shows the urgency of this proposed project. With the borders closed, people cannot access kava, which has made the 'black market' for kava skyrocket – people are selling kava at up to \$500/kg. The Australian Border Force (ABF) has detected a sharp rise in the amount of kava being sent illegally through the mail.

Julia Butt. *Kava Usage in Aboriginal and Pacific Islander Communities in Australia*. Curtin University: National Drug Research Institute (NDRI). 2013. [D21-2730138](#)

- This report highlights the complexity of understanding and addressing kava use in Australia, and the range of other issues which face kava using populations in Australia. The report aims to address the lack of information about kava among Pacific Islanders in Australia and about use in Arnhem since 2007.

THIS DOCUMENT HAS BEEN RELEASED UNDER
THE FREEDOM OF INFORMATION ACT 1982
BY THE DEPARTMENT OF HEALTH

From: s 22
To: [MCNALLY, Dave](#)
Cc: s 22
Subject: Kava Information for Estimates AS briefs [SEC=OFFICIAL]
Date: Friday, 28 May 2021 9:07:46 AM
Attachments: s 22

[PHD AS - May 2021 Budget Estimates - KAVA Monitoring and Evaluation.docx](#)

Hi Dave, for your information, please see attached ODC's brief on the kava evaluation pilot, as well as an additional brief from us regarding the evaluation component and noting some of the jurisdictional concerns as raised yesterday.

Happy to discuss

Cheers

s 22

From: MASRI, George <George.Masri@health.gov.au>
Sent: Thursday, 27 May 2021 12:55 PM
To: s 22 @Health.gov.au
Subject: FW: D21 2612889 53. HPRG BACK POCKET BRIEFS - MEDICINAL CANNABIS + KAVA
Kava Reforms [SEC=OFFICIAL]

Hi s 22 – As discussed.

G

From: MASRI, George
Sent: Wednesday, 26 May 2021 11:23 AM
To: MATTHEWS, Gavin <Gavin.MATTHEWS@health.gov.au>
Subject: D21 2612889 53. HPRG BACK POCKET BRIEFS - MEDICINAL CANNABIS + KAVA Kava Reforms [SEC=OFFICIAL]

Hi Gavin

As discussed attached is a copy of the back pocket brief re kava.

Regards George

George Masri
Assistant Secretary | Regulatory Services and Drug Control Branch

Regulatory Practice and Support Division | Health Products Regulation Group
Australian Government Department of Health
T: 02 6289 s 22 | M: s 22 E: george.masri@health.gov.au

Location: s 22 Scarborough House Atlantic Street Woden ACT
GPO Box 9848, Canberra ACT 2601, Australia

The Department of Health acknowledges the Traditional Custodians of Australia and their continued connection to land, sea and community. We pay our respects to all Elders past and present.

THIS DOCUMENT HAS BEEN RELEASED UNDER
THE FREEDOM OF INFORMATION ACT 1982
BY THE DEPARTMENT OF HEALTH

AS ESTIMATES BRIEF – KEY INFORMATION MAY 2021
MONITORING AND EVALUATION OF THE KAVA PILOT

FUNDING

Funding of \$1,617, 097.19 inc GST has been allocated for this project.

	2020-21 (ACTUAL) (\$m)	2021-22 (BUDGET) (\$m)	2022-23 (BUDGET) (\$m)	Total (\$m)
Evaluation	.59	.59	.43	1.61

KEY ISSUES

- ATODB is managing the monitoring and evaluation of the kava importation pilot.
 - The Office of Drug Control (ODC) is managing the broader pilot, including the commercial importation model for non-therapeutic kava.
- The evaluation will assess the health, social, cultural and economic impacts of the changed importation quantities of kava on the Australian community.
- The Department released a request for quote for the evaluation on 21 December 2020, and closed on 22 January 2021.
- On 9 April 2021, the Department engaged the National Drug and Alcohol Research Centre (NDARC) and Ninti One Limited to evaluate the kava pilot.
- NDARC and Ninti One are establishing an Advisory Consortium of key stakeholders to advice on appropriate methods, particularly in relation to cultural safety.
- A mixed methods approach will be used to monitor the impacts on Aboriginal and Torres Strait Islander, Pacific Islander and other Australian individuals, families and communities throughout the pilot. Methods are to be finalised in the Project Plan, however will include a literature review and community surveys, focus groups, interviews and analysis of routinely collected data.
 - Focus Groups with key stakeholders, incorporating a Yarning Circle approach for Aboriginal and Torres Strait Islander communities.
 - Community Surveys in Aboriginal and Torres Strait Islander communities, Pacific Islander communities and broader Australian communities, to capture self-reported impacts, perceptions, attitudes and unintended consequences.
 - Semi-structured Interviews with key informants, including state and territory governments, health services, law enforcement agencies, community representatives and business.
 - Routinely collected data of local, jurisdictional and national datasets, which will be specified during the scoping process.

- Economic Evaluation using a cost-benefit analysis for the Australian population. DFAT have funded a separate international evaluation, which will be informed by NDARC's methods

s 47E(d)

s 47C, 47B

THIS DOCUMENT HAS BEEN RELEASED UNDER
THE FREEDOM OF INFORMATION ACT 1982
BY THE DEPARTMENT OF HEALTH

From: s 22
To: s 22
Subject: D21-609065 Kava Evaluation Dot Points(2).DOCX [SEC=OFFICIAL]
Date: Thursday, 27 May 2021 2:40:19 PM
Attachments: [D21-609065 Kava Evaluation Dot Points\(2\).DOCX](#)

s 22 put this together for me a few weeks ago if helpful for estimates brief

THIS DOCUMENT HAS BEEN RELEASED UNDER
THE FREEDOM OF INFORMATION ACT 1982
BY THE DEPARTMENT OF HEALTH

Kava Key Points - Methods

- On 9 April 2021, the Department engaged the National Drug and Alcohol Research Centre (NDARC) and Ninti One Limited to evaluate the kava pilot.
- An **Advisory Consortium** of key stakeholders is currently being developed, to advise on appropriate methods, particularly in relation to cultural safety.
 - Consortium membership will be reviewed and endorsed by Indigenous owned organisation, Ninti One.
- A **mixed methods approach** will be used to monitor the health, cultural, social, justice and economic outcomes on Aboriginal and Torres Strait Islander, Pacific Islander and other Australian individuals, families and communities throughout the pilot. Methods are to be finalised in the Project Plan, however will likely include community surveys, focus groups, interviews and analysis of routinely collected data.
 - **Focus Groups** with key stakeholders, incorporating a Yarning Circle approach for Aboriginal and Torres Strait Islander communities.
 - **Community Surveys** in Aboriginal and Torres Strait Islander communities, Pacific Islander communities and broader Australian communities, to capture self-reported impacts, perceptions, attitudes and unintended consequences.
 - **Semi-structured Interviews** with key informants, including state and territory governments, health services, law enforcement agencies, community representatives and business.
 - **Routinely collected data** of local, jurisdictional and national datasets, which will be specified during the scoping process.
 - **Economic Evaluation** using a cost-benefit analysis for the Australian population. DFAT have funded a separate international evaluation, which will be informed by NDARC's methods.
- The Department is anticipated to form a s 47B, s 47C **Reference Group** comprising the Department of Health, National Indigenous Australians Agency, Department of Foreign Affairs and Trade and Home Affairs, to support NDARC to navigate government related matters.
- The **project plan** for the evaluation is anticipated to be endorsed by the advisory consortium of key stakeholders in mid-2021. **Six-monthly progress** reports will then be provided until completion of the evaluation in June 2023.

From: [REBERA, Avi](#)
To: s22 s 47F
s 22 ; [MCNALLY, Dave](#); s 22
s 22 ; [LAFAN, David](#); s 47F
Cc: s 22
Subject: FW: FYI: Kava IDC Meeting documents [SEC=OFFICIAL]
Date: Thursday, 17 June 2021 10:40:00 AM
Attachments: [Pilot program to allow the commercial importation of Kava - V1.0.DOCX](#)
s 22

Hi all,

Please find attached the agenda for our meeting tomorrow.

I have also included the draft RIS and corresponding comments from OBPR.

A key focus for the meeting tomorrow will be how to respond to OBPR's comments and the input that we would appreciate from your Agencies.

Could also please ask that you confirm via return email who will be attending from your Agency.

I look forward to meeting you all tomorrow.

Please do not hesitate to contact me if you have any questions.

Kind regards

Avi

Avi Rebera

Assistant Secretary
Regulatory Services and Drug Control Branch

Regulatory Practice & Support Division | Health Products Regulation Group
Australian Government Department of Health
T: + 61 2 6289 s 22 | s 22 | E: avi.rebera@health.gov.au
PO Box 100, Woden ACT 2606, Australia

The Department of Health acknowledges the traditional owners of country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to them and their cultures, and to elders both past and present.

Important: This transmission is intended only for the use of the addressee and may contain confidential or legally privileged information. If you are not the intended recipient, you are notified that any use or dissemination of this communication is strictly prohibited. If you receive this transmission in error please notify the author immediately and delete all copies of this transmission.